

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

MDL No. 2419
Master Dkt. 1:13-md-02419-FDS

THIS DOCUMENT RELATES TO:

All Actions

**PLAINTIFFS' STEERING COMMITTEE'S
NOTICE OF FILING OF SUMMARY OF SHORT FORM COMPLAINTS**

At the January 10, 2014 status conference, the Plaintiffs' Steering Committee ("PSC") stated that it would file a census of short form complaints detailing the number of short form complaints filed on or before December 20, 2013. The PSC has not completed its review of the short form complaints and files the following summary.

As of January 14, 2013, there were 330 unique cases pending in this MDL representing claims by approximately 400 individual plaintiffs (excluding plaintiffs with derivative claims such as loss of consortium claims).¹ Of these 330 unique cases, 253 had short form complaints on file as of December 20, 2013. All short form complaints name Unifirst as a party defendant and 11 short form complaints name Liberty Industries, Inc. as a defendant. 149 short form complaints name clinic related defendants.² The below chart summarizes the number of short form complaints pending against the clinics performing injections. For convenience, the below chart does not break out every employee or physician named in the short form complaints, but rather summarizes the

¹ The discrepancy between unique cases and number of plaintiffs is due to the fact that some cases name multiple plaintiffs. See *Adair v. Ameridose*, 1:13-cv-11609-FDS (34 plaintiffs); *Ferguson v. Ameridose*, 1:13-cv-12571-FDS (3 plaintiffs); *Besaw v. Ameridose*, 1:13-cv-12604 (16 plaintiffs); *Barger v. Ameridose*, 1:13-cv-12619 (13 plaintiffs)

² Clinic related defendants are doctors or healthcare professionals who administered the NECC drug and the healthcare facilities where the NECC drug was administered. See Corrected Short Form Complaint [Master Dkt. No. 590].

number of short form complaints pending against clinics or hospitals that administered NECC products. Many short form complaints also name individual physicians or other employees, and affiliated corporate entities.

| Clinic Name | State | Short Form Complaints Naming Clinic |
|--|--------------|--|
| Saint Thomas Outpatient Neurosurgical Center, LLC ³ | TN | 87 |
| Specialty Surgery Center, PLLC | TN | 23 |
| Premier Orthopedic Surg. Associates LLC | NJ | 10 ⁴ |
| South Jersey Healthcare | NJ | 9 ⁵ |
| BKC Pain Specialists, LLC | OH | 3 |
| Minnesota Surgery Center (MAPS) | MN | 3 |
| APAC Centers For Pain Management | IL | 2 |
| Michigan Pain Specialist | MI | 2 |
| Neuromuscular & Rehabilitation | MI | 2 |
| Ocean State Pain Management | RI | 2 |
| Ambulatory Care Center, LLC | IN | 1 |
| DBMJ Rehabilitation Services, PLLC | MI | 1 |
| Dr. O'Connell's Pain Care Center | NH | 1 |
| Genesys Hospital | MI | 1 |
| High Point Regional Health | NC | 1 |
| Marion Pain Management Center, Inc. | FL | 1 |
| PCA Pain Care Specialists | TN | 1 |

³ Affiliated entities and individuals named in suits naming Saint Thomas Outpatient Neurosurgical Center, LLC ("STOPNC") are: Howell Allen Clinic, John Culclasure, M.D., Debra Schamberg, R.N., Saint Thomas West Hospital f/k/a Saint Thomas Hospital, Saint Thomas Network, Saint Thomas Health, Ascension Health Alliance, and Ascension Health. Not all 87 short form complaints naming STOPNC name all of these parties, but all complaints naming STOPNC also name a collection of these affiliated parties.

⁴ These 10 SFCs represent all short form complaints that name one or more of the following entities and individuals: Premier Orthopedic and Sports Medicine Associates of Southern New Jersey, LLC d/b/a Premier Orthopedic Associates, Premier Orthopedic Associates Surgical Center, LLC, and/ or Kimberly Yvette Smith, M.D.

⁵ These 8 SFCs represent all short form complaints that name one or more of the following entities and individuals: South Jersey Healthcare, South Jersey Hospital, Kimberly Yvette Smith, M.D., and/or Nitesh Bhagat. One case naming these entities also names Premier Orthopedic Associates and this case has been counted in both columns.

To be clear, this is not a comprehensive list of all clinics named in complaints in the MDL. Some plaintiffs named clinics in their original complaints and elected not to file short form complaints.⁶

Dated: January 28, 2014

Respectfully submitted,

/s/ Kristen Johnson Parker

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⁶ See, e.g., *Mowles v. New England Compounding Pharmacy, Inc.*, 1:13-cv-10558-FDS (March 11, 2013 D. Mass.) (naming Insight Imaging, Inc. a/k/a Insight Health Corp. as a defendant).

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Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, Kristen Johnson Parker, hereby certify that I caused a copy of the above Notice of Filing of Summary of Short Form Complaints to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: January 28, 2014

/s/ **Kristen Johnson Parker**
Kristen Johnson Parker, BBO # 667261